

DOCKET NO: ISPH-0590
SERIAL NO: 09/918,187
Response to Office Action Dated: 11/15/2004

REMARKS

Claims 1, 4-7, 9, 10, 12-13, and 24-27 are currently pending in the instant patent application. Applicants have herewith amended claims 1 and 12, cancelled claims 14-15, and introduced claims 24-26. Applicants make said claim amendments and cancellations without prejudice to pursuing the originally presented or cancelled subject matter in a later application claiming benefit of this application, and particularly without prejudice to determination of equivalents of the subject matter of this application or any later application claiming benefit of this application. The amendment to claim 1 finds support throughout the specification (*see*, for example, page 8, line 24) as well as the claims as originally filed. The amendments to claim 12 and the newly presented claims 24-27 find support in the specification (*see*, for example, page 27, lines 3-19) and claims as originally filed. No new matter has been added.

Rejection Under 35 U.S.C. §103(a)

Claims 1, 4-7, 9, 10, and 12-15 have been rejected under 35 U.S.C. § 103(a) as allegedly obvious over Stenn et al. in view of Baracchini et al. and McKay et al. Applicants disagree. In view of the current amendment to claim 1 and cancellation of claims 14-15, Applicants submit that the rejection is rendered improper because the limitations of the claims are not present in the combination of Stenn, Baracchini and McKay. Applicants, therefore, respectfully request that the rejection be reconsidered and withdrawn.

In summary, Applicants respectfully request that the (i) claim amendments be entered, (ii) the rejection of claims 1, 4-7, 9, 10, and 12-15 be withdrawn, and (iii) claims 1, 4-7, 9, 12-13, and 24-27 be allowed. If the Examiner is of a contrary view, the Examiner is requested to contact the undersigned attorney at (760) 603-4631. Please charge any deficiencies to Isis Pharmaceuticals, Inc., Deposit Account No. 50-0252, referencing Attorney Docket No. ISPH-0590.

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Respectfully submitted,


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